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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/006,595 | 12/05/2001 | Larry Morrow | 107793-00001 | 3405 |

7590 09/21/2004

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EXAMINER

LANEAU, RONALD

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3627

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,595

Applicant(s)

MORROW, LARRY

Examiner

Ronald Laneau

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[Handwritten signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by anticipated by Bondy (US 2003/0046147 A1).

Bondy teaches a business system including the steps of: a core business that supplies a customizable purchasing platform (electronic store hyperlinked or electronic retailing system) (page 2, [0021], lines 3-4); an affiliate organization provider that provides a good or a service for purchase (page 2, [0023], lines 1-6); a first Affinity partner that has a plurality of members (page 4, [0038], line 6); and a member associated with the first partner, whereby the member may make purchases, (page 4, [0038], lines 6-10) and whereby the member making a purchase defines a customer (member becomes customer when purchasing goods). Furthermore, Bondy teaches a secondary Affinity partner that is associated with the first partner (page 2, [0023], lines 4-10), a business system wherein the customizable purchasing platform links to an affiliate organization partner web page by: storing a web page template; customizing the template to create a first partner web page; and displaying the first partner web page to the member when the

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member accesses the web site page 2, [0023], lines 12-22, [0026], lines 1-9, fig. 2), a business system wherein the member accesses the web page via a click-through from a web page associated with the Affinity Partner (page 2, [0026], lines 9-13), a business system including an order processing system that seamlessly forwards an order for a good or service from a member to an affiliate organization (page 1, [0007], lines 11-13).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondy (US 2003/0046147 A1).

Bondy does not teach a system wherein the first and secondary affinity partners receive a stock option in the core business but it is well known in the business art for companies to offer their own stocks as options to employees or business partners in order to invest in the companies' future and maximize their profits. The examiner takes Official notice as such.

6. Claims 12-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bondy (US 2003/0046147 A1) in view of Dicks et al (US 2002/0007334 A1).

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Bondy does not teach distributing the profits among the partners but Dicks et al teach profits or fees sharing between the broker party and non-broker party from the brokerage service in various ways.

From the teaching of Dicks et al, it would have been obvious to one of ordinary skill in the art to utilize the fees or profits sharing as taught by Dicks et al into the system of Bondy because it would provide a financially stable environment for both parties knowing that the profits will be distributed among them.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Sherwin et al (US 2002/0052784 A1) teach an affinity shopping portal wherein a commercial transaction is carried out over a communication network used for shopping including receiving a shopper at a first web-site maintained on the communication network.
- Martin et al (US 2002/0116282 A1) teach methods and systems for correlating consumption information with distribution entities.
- Martin et al (US 2002/0120519 A1) teach distributed information methods and systems used to collect and correlate user information and preferences with products and services.
- Walker et al (US 6,144,948) teach instant credit card marketing system for reservations for future services.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RL

Ronald Laneau
Examiner
Art Unit 3627

Ronald Laneau 9/18/04
Primary Examiner

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